ORIGINAL

Qwest

Spirit of Service

Qwest
1020 Nineteenth Street NW, Suite 700
Washington, DC 20036
Phone 202.429.3121
Fax 202.293.0561

Cronan O'Connell

EX PARTE

November 14,2002

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street S.W., TW-A325
Washington, DC 20554

RE: CC Docket Nos. 01-338.96-98 and 98-147. In the Matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers; Imulementation of the Local Competition Provisions of the Telecommunications Act of 1996: Deulovment of Wireline Services Offering Advanced Telecommunications Capability

Dear Ms. Dortch:

Yesterday, Cronan O'Connell, Mary Retka, Molly Martin and Craig Brown of Qwest Communications International Inc., met with Thomas Navin, Ian Dillner, Michael Engel, Jeremy Miller, Gina Spade and Robert Tanner of the Federal Communications Commission's Wireline Competition Bureau's Competitive Policy Division. The information in the attached presentations concerning Triennial Review issues was reviewed. In particular, Qwest discussed its UNE-P Transition Plan, reviewed its Hot Cut Process, and discussed alternative options for local usage and commingling restrictions. Also discussed were general legal and policy issues including state preemption, necessary steps to avoid delays in implementation, and treatment of "de-Listed UNEs.

In accordance with Section 1.1206(b)(2) of the FCC's Rules, an original and six copies (two for each proceedmg) of this letter are being filed with your office for inclusion in the public record.

Acknowledgment and date of receipt of this submission are requested. A duplicate of this letter is provided for this purpose. Please call if you have any questions.

Sincerely,

cc: (via e-mail with attachments)
Thomas Navin (tnavin@fcc.gov)
Ian Dillner (mengel@fcc.gov)
Michael Engel (agoldber@fcc.gov)
Jeremy Miller (jemiller@fcc.gov)
Gina Spade (gspade@fcc.gov)
Robert Tanner (rtanner@fcc.gov)

Attachments

Qwest®

Spirit of Service

Triennial Review

November 13, 2002

Key Points

- General Issues
  - Preemption of States
  - Necessary Steps to Avoid Delays in Implementation
  - Treatment of "De-Listed" Network Elements Offered Under Section 271
- Unbundled Switching
  - Hot Cut Process
  - UNE-P Transition Proposal
- Transport
  - Local Usage and Commingling Restrictions
- Advanced Services
  - CLEC Access to DLC Loops

Qwest
Spirit of Service

General Issues

Qwest
Spirit of Service

The Commission Must Preempt Inconsistent State Actions

- As a matter of law, the Commission may not permit states to override its unbundling determinations
  - Section 251(d)(2) requires the Commission to strike a national policy balance in light of the benefits and costs of unbundling
  - Once the Commission strikes that balance, a deviation in either direction would be inconsistent with federal law; in other words, the Commission's unbundling decisions create both a "floor" and a "ceiling"
- As a matter of policy, the Commission should not permit states to override its unbundling determinations
  - Alternative would result in patchwork of unbundling rules, governed by state policy differences, protracted litigation, and uncertainty

Qwest
Spirit of Service

The Commission Must Preempt Inconsistent State Actions (cont'd)

- Preemptive unbundling policy would be natural extension of *UNE Remand Order*, in light of *USTA* decision
- The Commission's adoption of guidelines or presumptive determinations, with ultimate determinations by the states, would be tantamount to complete delegation
- Delegation to states is not necessary to make "granular" unbundling decisions
- Commission must guard against re-regulation of UNEs through section 271

Qwest
Spirit of Service

The Commission Must Take Certain Steps to Avoid Frustration of Its Objectives

- Qwest has encountered significant problems and delays in implementing the Commission's *ISP Reciprocal Compensation Order*; in many cases, CLECs simply ignored the Order
- Such delays frustrate the Commission's policies and can be avoided with certain narrow prescriptions

Qwest
Spirit of Service

Steps to Avoid Delay

- Confirm that obligation to negotiate in good faith applies to both ILECs *and* CLECs
- Make clear that it will permit, and expect, carriers to begin negotiations immediately, regardless of change of law provision, generally without need for arbitration
- Establish transition period that runs concurrently with change of law process
- Bar CLECs from opting into contracts to perpetuate unbundled access to elements removed from the UNE list

Qwest
Spirit of Service

Existing Change of Law Provisions may Cause Delays in Themselves

- "In the event that any final and nonappealable legislative, regulatory, judicial or other legal action materially affects any material terms of this Agreement, . . . the CLEC or the ILEC may, on *30* days written notice (delivered not later than 30 days following the date on which such action has become legally binding and has otherwise become final and nonappealable) require that such terms be renegotiated, and the parties shall renegotiate in good faith such mutually acceptable new terms as may be required. In the event that such new terms are not renegotiated within 90 days after such notice, the Dispute shall be referred to the Dispute Resolution procedures *[of* the agreement]." (emphasis supplied)

Qwest

Spirit of Service

Treatment of "De-listed" Network Elements Offered Under Section 271

Subject only to Commission's general pricing authority under sections 201 and 202 (*UNE* Remand *Order* ¶ 473), with no role for state review

Likewise, the terms and conditions for elements provided under section 271 are governed only by the general requirements of sections 201 and 202, and not section 251 (*UNE* Remand *Order* ¶¶ 470,473)

- Finding of "no impairment" would satisfy the requirements far non-dominance regarding the offering of that element under section 271
- The offering of an element pursuant to section 271 need not be included in a section 251 interconnection agreement.

Note: Grant of Verizon's petition for forbearance would eliminate requirement to provide element under section 271

Unbωndled Sωitching

Qwest
Spirit of Service

Qwest Hot Cut Process is Sufficient to Meet Anticipated Demand

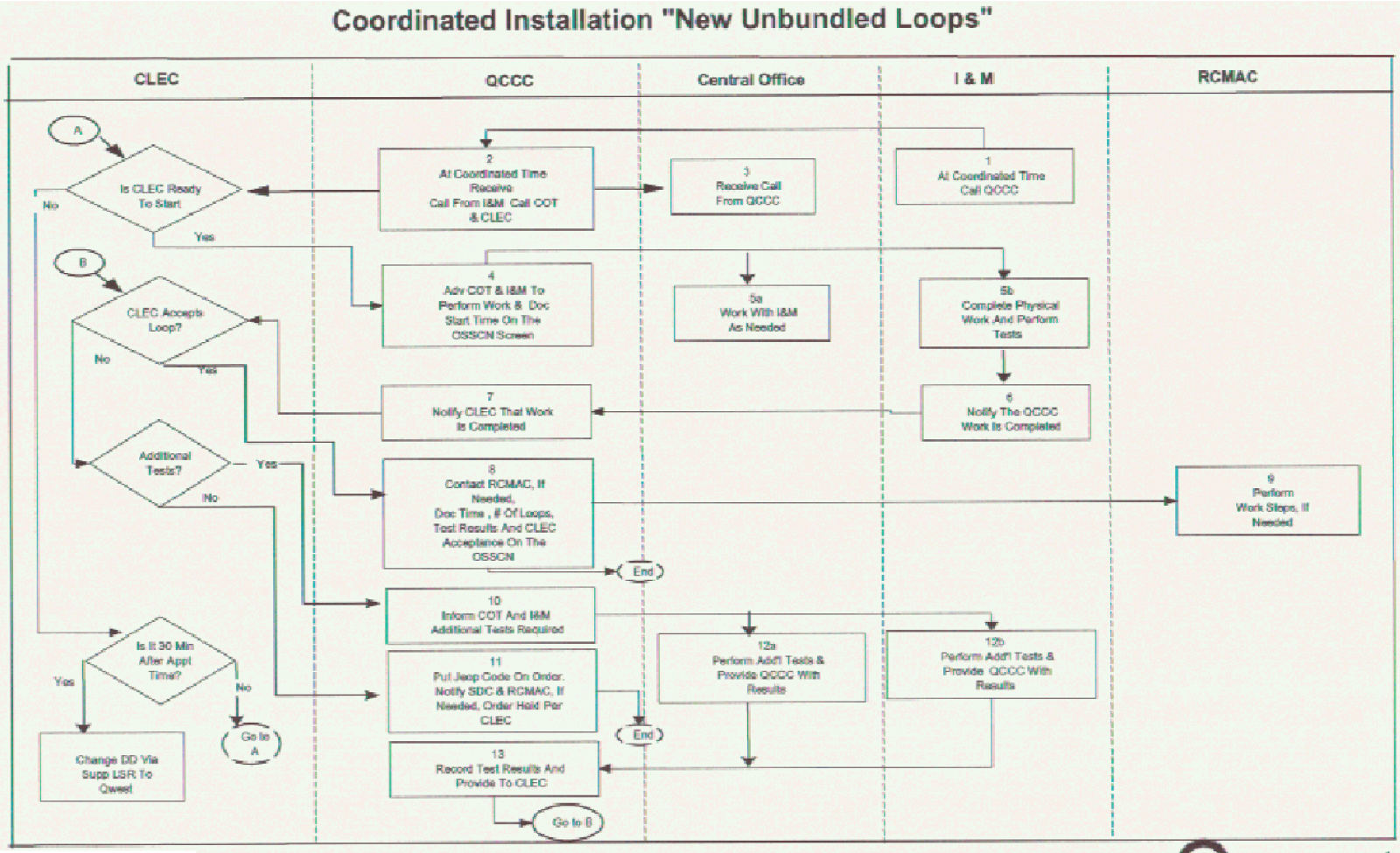
- Qwest CLEC Coordination Center (QCCC) currently staffed to handle 1,500 UNE-L cutovers per day
- Qwest Hot Cut results today
  - 99.43% of Analog Coordinated Cuts Completed on Time
  - 98.19% of Digital Coordinated Cuts Completed on Time
- Standard Provisioning Intervals

Loop Type		1-8 loops	9-16 loops	17-24 loop	25+ loops
Analog/Voice Grade Loops	Standard Analog Loops	5 days	6 days	7 days	ICB
	Quick Loop Analog-Conversion	3 days	3 days	3 days	ICB

Qwest provides a 3-dag installation option, called Quick Loop, for conversion of in-place analog loops that do not require coordinated installation or cooperative testing. Quick Loop is not available for loops served over IDLC technology. Quick Loop is also offered for hops with number portability. The installation intervals for Quick Loop with LNP are 3 days for 1 to 8 hops, 4 days for 9 to 24 loops, and ICB for 25 or more loops,

Qwest
Spirit of Service

Work Flow Chart



Declaration of William M.Campbell, as filed in Qwest 271 Application, Exhibit WMC -Loop-9

Qwest
Spirit of Service

Coordinated Installation New Loops Process
Task List

Task #	Activity
1	At the requested appointment time the Qwest Installation Technician (I&M) contacts the Qwest CLEC Coordination Center (QCCC) to indicate readiness to start the cut.
2	The QCCC contacts the Central Office Technician (COT) and the CLEC to determine readiness.
3	COT on standby alert for testing
4	QCCC tells I&M and COT to start and documents the start time on the OSSCN screen in WFA.
5a	COT performs any tests requested by I&M
5b	
6	The I&M notifies the QCCC that the work is complete and provides the test results.
7	The QCCC documents the stop time and notifies the CLEC that the work is complete.
8	Once CLEC accepts the loop, *QCCC* contacts RCMAC, ifneeded. and documents the cut information on the OSSCN screen in WFA.
9	RCMAC completes any necessary work.
10	CLEC does not accept the loop, so a jeopardy code is entered on the order and the Service Delivery Coordinator (SDC) and the RCMAC are notified that the order will not be completed.
11	CLEC wants additional tests so QCCC notifies COT and I&M.
12a	COT participates as needed in additional tests.
12b	I&M participates as needed in additional tests and provides QCCC with the results.
13	QCCC provides results and ensures CLEC has test results via phone call. If the CLEC has purchased Cooperative or Performance Testing, the test results are also forwarded to the CLEC via email within two business days of order completion.

Qwest UNE-P Transition Proposal

- Unbundled Switching removed from UNE list
- UNE-P no longer available to serve new customers
  - CLECs may order either Resale or Unbundled Loops subject to the terms of their individual Interconnection Agreements
  - The parties will begin negotiations of an amendment to their existing Interconnection Agreements, if necessary, to reflect the removal of Unbundled Switching from the list of required unbundled network elements
  - Existing UNE-P lines will be "grandfathered" at UNE rates until completion of a transition for these lines
  - Qwest estimates that it will take 7 months to provision all anticipated requests for conversion
- Within 30 days of the date of the FCC Order, Qwest will notify all CLECs via registered letter of their transition options from UNE-P
  - The schedule will identify, by wire center, all planned transition dates and ordering deadlines

Qwest

Spirit of Service

Qwest UNE-P Transition Proposal (cont'd)

- The CLEC will submit orders as follows:
  - CLEC will provide Orders to Qwest no less than thirty days prior to the scheduled transition date for the wire center in question.
  - To Convert UNE-P to Resale, all conversion activity will be completed without a LSR (Local Service Request) from the CLEC. Qwest will mechanically generate conversion service orders. The UNE-P accounts will be converted to applicable resale product, e.g., UNE-P DSS would convert to Resale DSS
  - To convert UNE-P to Unbundled Loop (UBL), all conversion order activity will be completed with an LSR (Local Service Request) from the CLEC and transitioned according *to* the schedule published by Qwest. (Note: we *are looking into a Worksheet-type process for these conversions)*
- The CLEC will pay for Hot Cuts consistent with the terms of its interconnection agreement with the ILEC. No volume discounts are available

Qwest

Spirit of Service

The Commission Should Reject WorldCom's GR303 Proposal

- WorldCom advocates that the Commission "promote the deployment of EELs, which would reduce the need for competitive LECs to pay expensive collocation costs," and to ensure "deployment of concentration equipment in conjunction with EELs." *WorldCom Reply Comments, page 162*

- Qwest offers EELs ubiquitously where facilities exist throughout Qwest's 14-state service territory. Qwest has committed to provide "combinations of interoffice transport, concentration capability and DS0 Loops." (Sections 9.23.7, 9.23.8 and 9.23.9 of Qwest SGAT addresses EELs, including concentration capability).
  - "CLEC will purchase the appropriate concentration equipment and provide it to Qwest for installation in the Wire Center" (9.23.7.2.12.5).
  - "Requests for Concentration capability will be submitted using the Virtual Collocation process. Virtual Collocation intervals will be adhered to." (9.23.3.8.4) and "Concentration Capability rates will be provided as an ICB."

- Currently, the Qwest Network architecture does not have DLC Remote Terminal (RT) equipment placed in the CO.
  - Qwest has no processes in place to engineer and install DLC RT equipment in the CO.
  - If required to place DLC RT in the CO to provide EELs with concentration, Qwest have to purchase the equipment
  - Since the CLEC(s) switch(es) would control the RT, Qwest would have no control of alarming or concentration levels.
  - A partitionable Element Management System (EMS) would be required to host one RT with multiple switches from multiple carriers. Qwest does not have a partitionable EMS and is not aware of a partitionable EMS that has been successfully deployed.

Qwest

Spirit of Service

Local Transport

Qwest
Spirit of Service

Other Regulatory Matters -- EELs

- Today, Qwest's EEL offerings allow viable facilities-based local competition
- Should the Commission, however, determine that the current use restrictions need to be reviewed, Qwest proposes workable alternatives that:
  - Promote facilities-based local competition
  - Strike a competitive balance for both ILECs and CLECs

Qwest
Spirit of Service

Local Use Restriction Alternatives

Alternatives:

#1: CLEC self-certifies that its loops and transport carry at least 51% "local" traffic; and/or

Comments:

- CLECs converting from UNE-P to EEL will automatically be presumed to meet the "local" standard, with a follow-up certification by the CLEC to be provided no later than six months after the conversion
- Applies to all circuits the CLEC wishes to convert to EELs
- As is the case today, Internet access will not satisfy the "local" traffic criterion
- Audit provisions would apply

#2: Local telephone numbers associated with the EEL circuit must be provided to ILEC at time of ordering; and/or

- Audit provisions would apply
- Would require CLEC to designate the "26 code" and the CLLI code for the point of interconnection (POI) for the LIS trunk(s)

#3: CLEC must have local interconnection service (LIS) trunks in place and Percent Local Usage (PLUs) on file associated with the EEL collocation termination point

- Audit provisions would apply

NOTE: Further investigation of alternatives required. Appropriate solution could be a combination of alternatives

Qwest
Spirit of Service

Local Use Restriction Audit Provisions

- As a condition of the purchase of or conversion to EELs, the CLEC must agree to provide traffic billing records to a third party auditor to be identified by the ILEC for review of compliance with the local use certification.
  - The ILEC may initiate an audit by an independent third party to assure compliance with the local use restriction no earlier than 6 months, after this provisioned.
  - Every 6 months, the CLEC must be prepared to provide to third party auditor, if requested, one month's CDR upon 7 day's notice. The audit will include verification that the traffic carried over the facility or facilities in question meets the local usage restriction.
  - The data required for an audit would be the call detail records (CDR) in the Automated Message Accounting (AMA) format from the CLEC local voice switch.
- If the CLEC is found to be in violation of the local use restriction, the CLEC will pay: 1) all costs for the auditor and the ILEC personnel involved in the audit, 2) corrected billing back to date the circuit was established, 3) interest (penalty) on the amount of corrected billing, and 4) loss of commingling rights after three faulted audits

Commingling Discussion

- Commingling is defined as the combination of EEL Loops and Private Line/Special Access channel termination circuits onto the same Multiplexed Interoffice Transport Facility.

- At a minimum, any alterations of existing commingling restrictions must be conditioned on the following:
  - The multiplexer and the Interoffice Facility would be billed at the appropriate Private Line tariffed rate.
  - The UNE Imp portion of EELs provisioned on the Interoffice Facility (IOF) must satisfy specified local use restriction to qualify.
  - The commingled Interoffice facility must terminate in a CLEC collocation (one collocation required per LATA).
  - DS3 UNE Imps cannot be commingled with other traffic on an OCn Interoffice Facility.
  - Commingling of Voice Grade or DS0 UNE loops onto a mixed-use DS1 IOF would be permitted for all facilities that transition from UNE-P to UNE-L.
  - Using existing Special Access pricing zones, commingling of DS1 UNE Loops onto a mixed-use DS3 IOF would be allowed in Zones 2 & 3 only.

Advanced Services

Qwest
Spirit of Service

How Does a CLEC Access the Unbundled Loop When There is Fiber in the Feeder and the Loop is Integrated into the Switch?

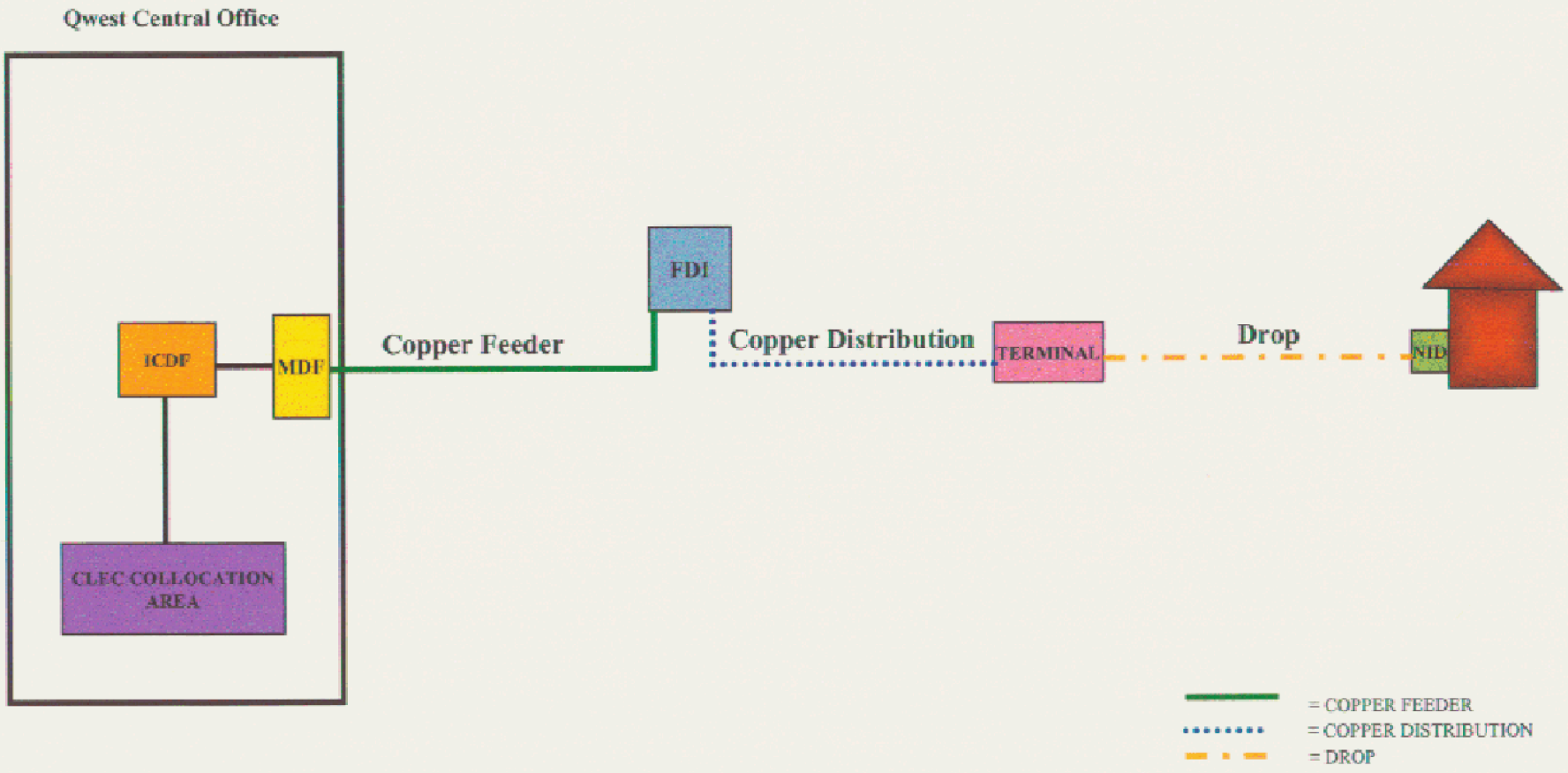
Options	Capabilities
First option: via an available copper loop if one exists	CLEC can access copper loop at central office - DSL capable (distance limitations may apply)
Second option: If copper not available and if UDLC is available, provide UBL over UDLC and present at the ICDF	CLEC can access copper loop at the remote terminal to provide ADSL CLEC can access access loop at central office -- not DSL capable at the central office
Third option: If neither copper loop or UDLC is available then the "Hairpin" option is the means to provide the UBL Hairpin: A semi-permanent path through a Switching Module (SM) between two (2) ports on the same peripheral equipment, such as an Integrated Digital Carrier Unit (IDCU). The SM's Time Slot Interchange (TSI) is bypassed and not used. Normal switch call-processing functions are not used. This is a last resort solution to provisioning an Unbundled Loop (UBL) over Integrated Digital Loop Carrier (IDLC).	CLEC can access copper loop at the remote terminal to provide ADSL CLEC can access access loop at central office -- not DSL capable at the central office

Qwest
Spirit of Service

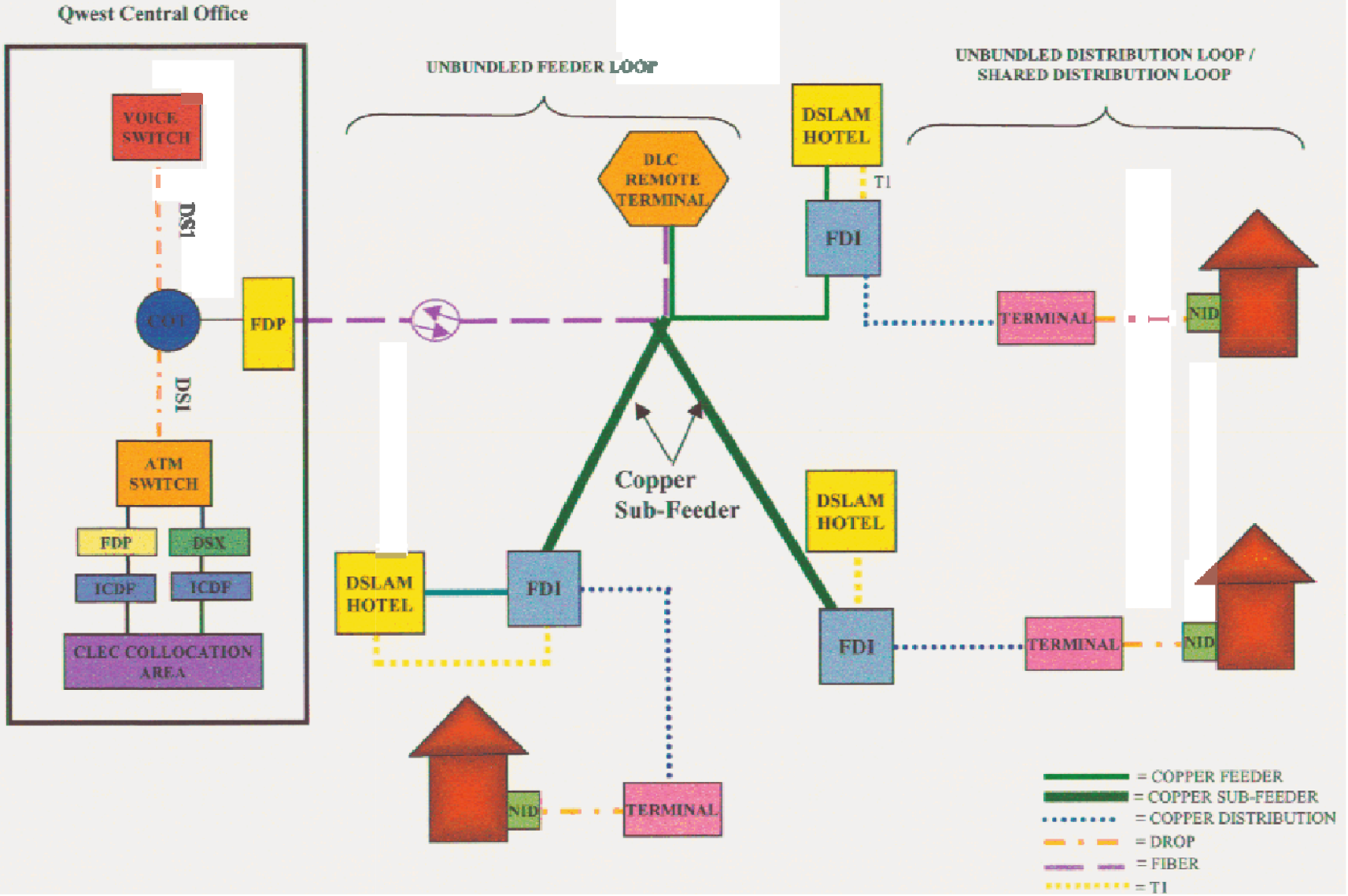
Triennial Review

November 13, 2002

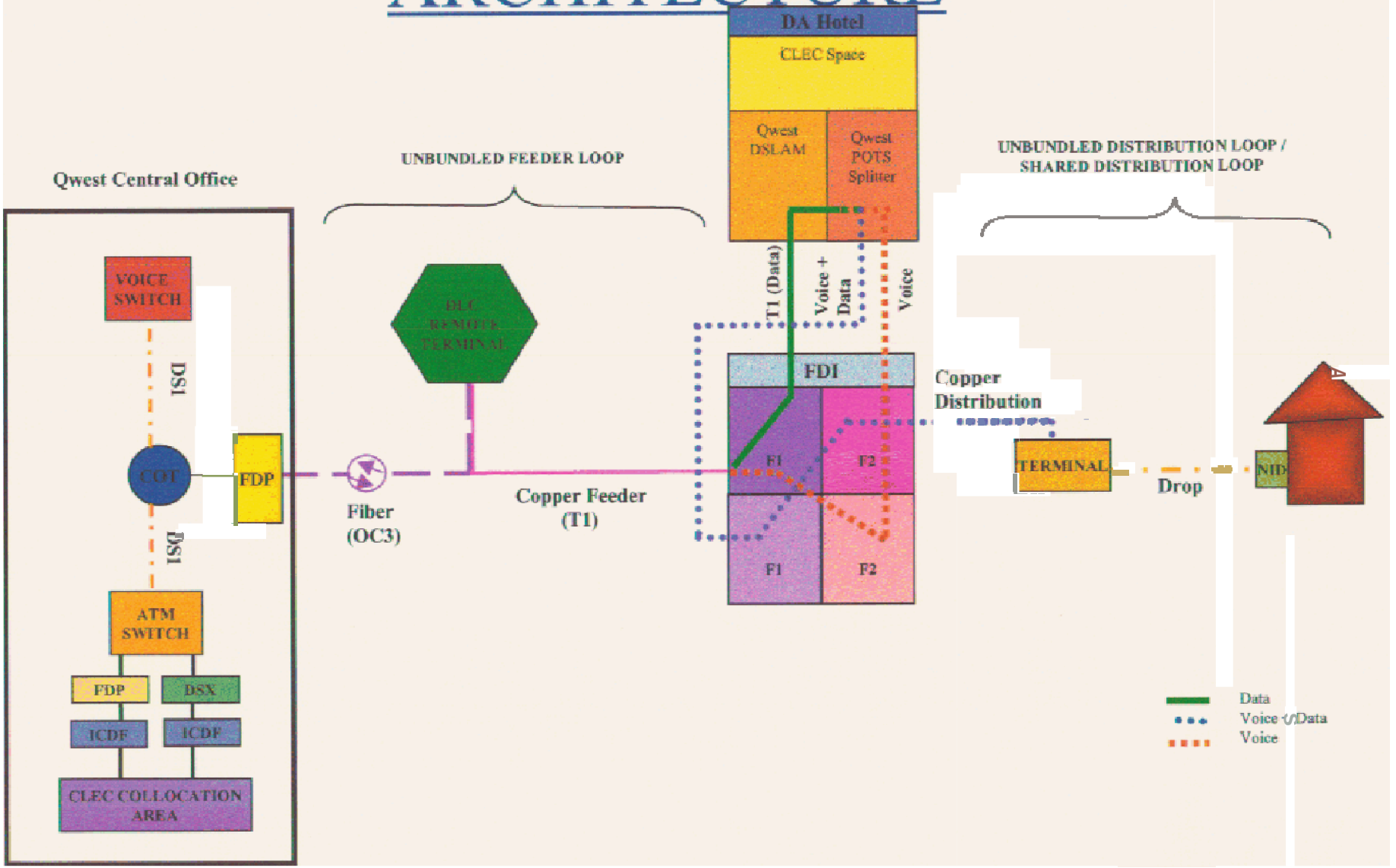
FULL COPPER LOOP ARCHITECTURE



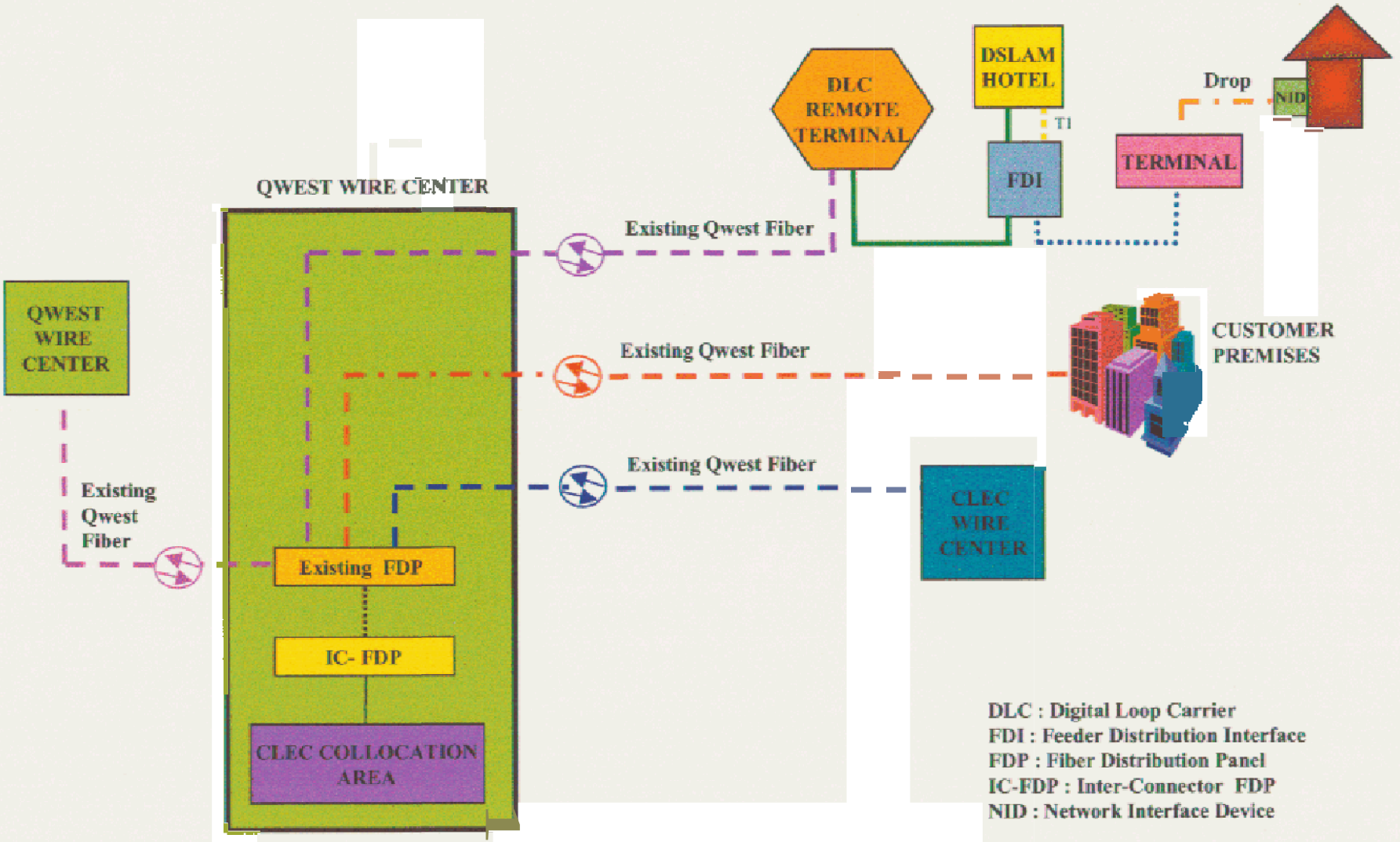
REMOTE COLLOCATION ARCHITECTURE



REMOTE DIGITAL SUBSCRIBER LINE ARCHITECTURE



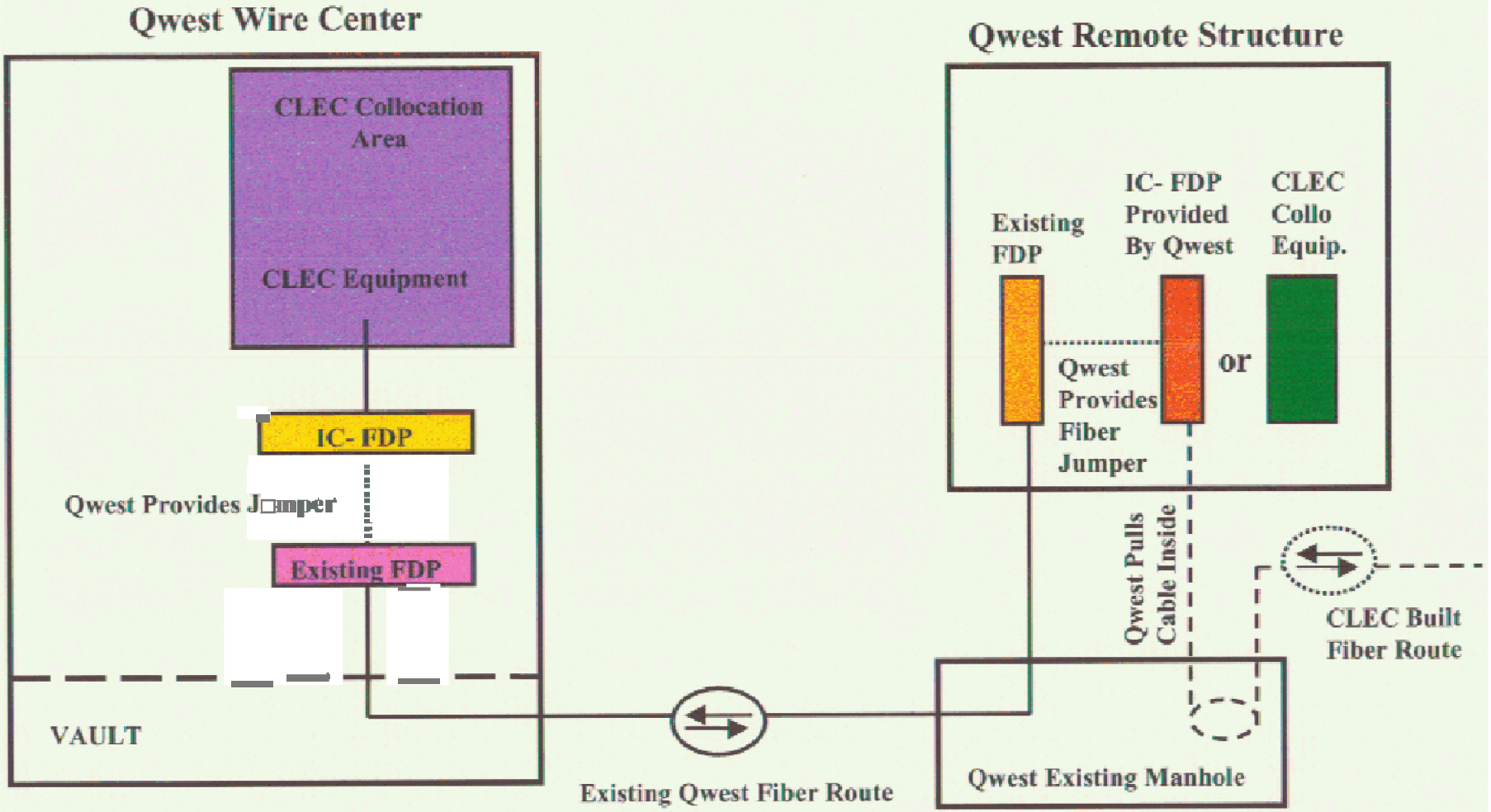
DARK FIBER ARCHITECTURE



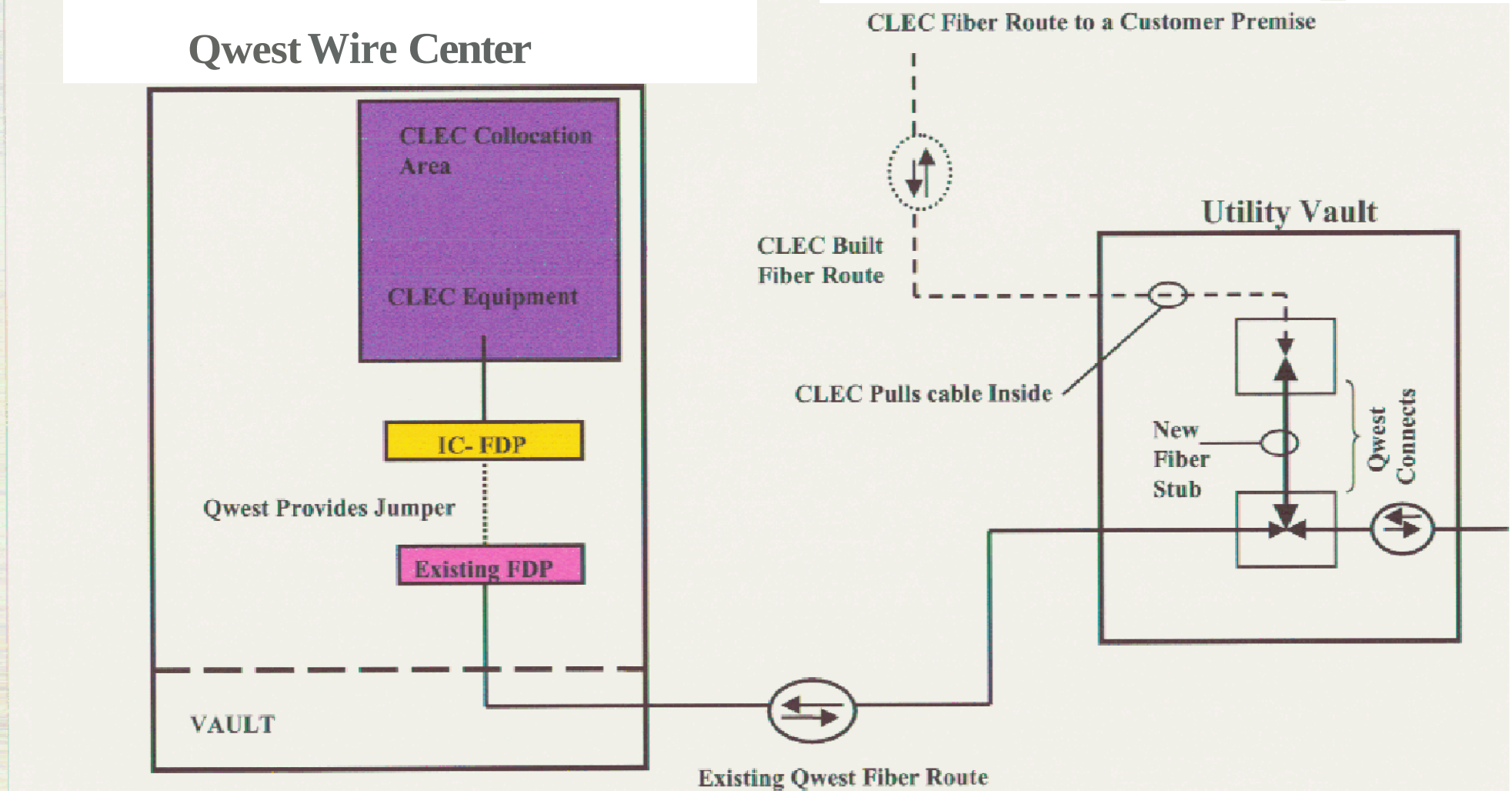
DLC : Digital Loop Carrier
FDI : Feeder Distribution Interface
FDP : Fiber Distribution Panel
IC-FDP : Inter-Connector FDP
NID : Network Interface Device

DARK FIBER ACCESS AT A REMOTE STRUCTURE

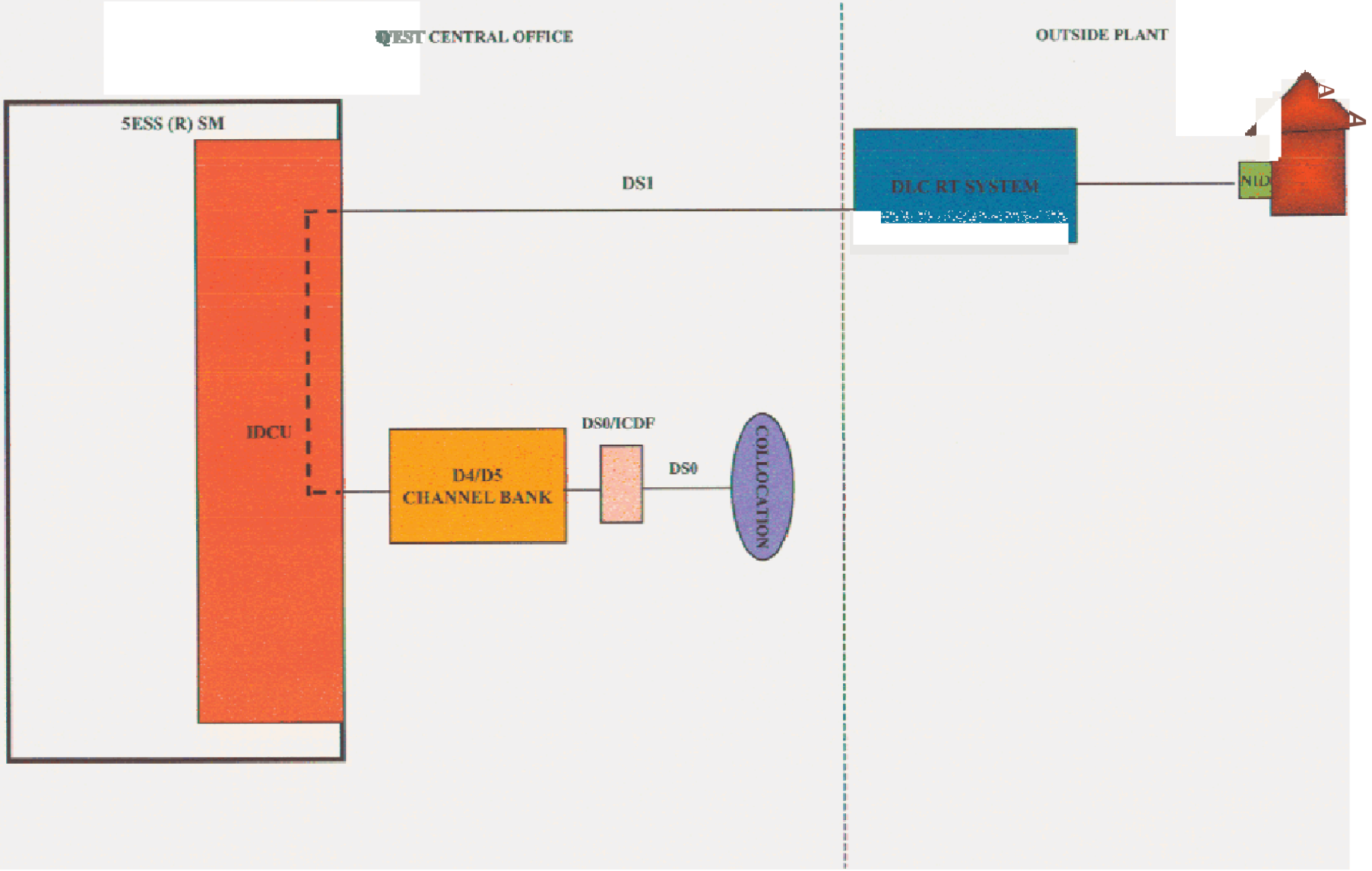
(e.g., CEV, CEC, HUT)



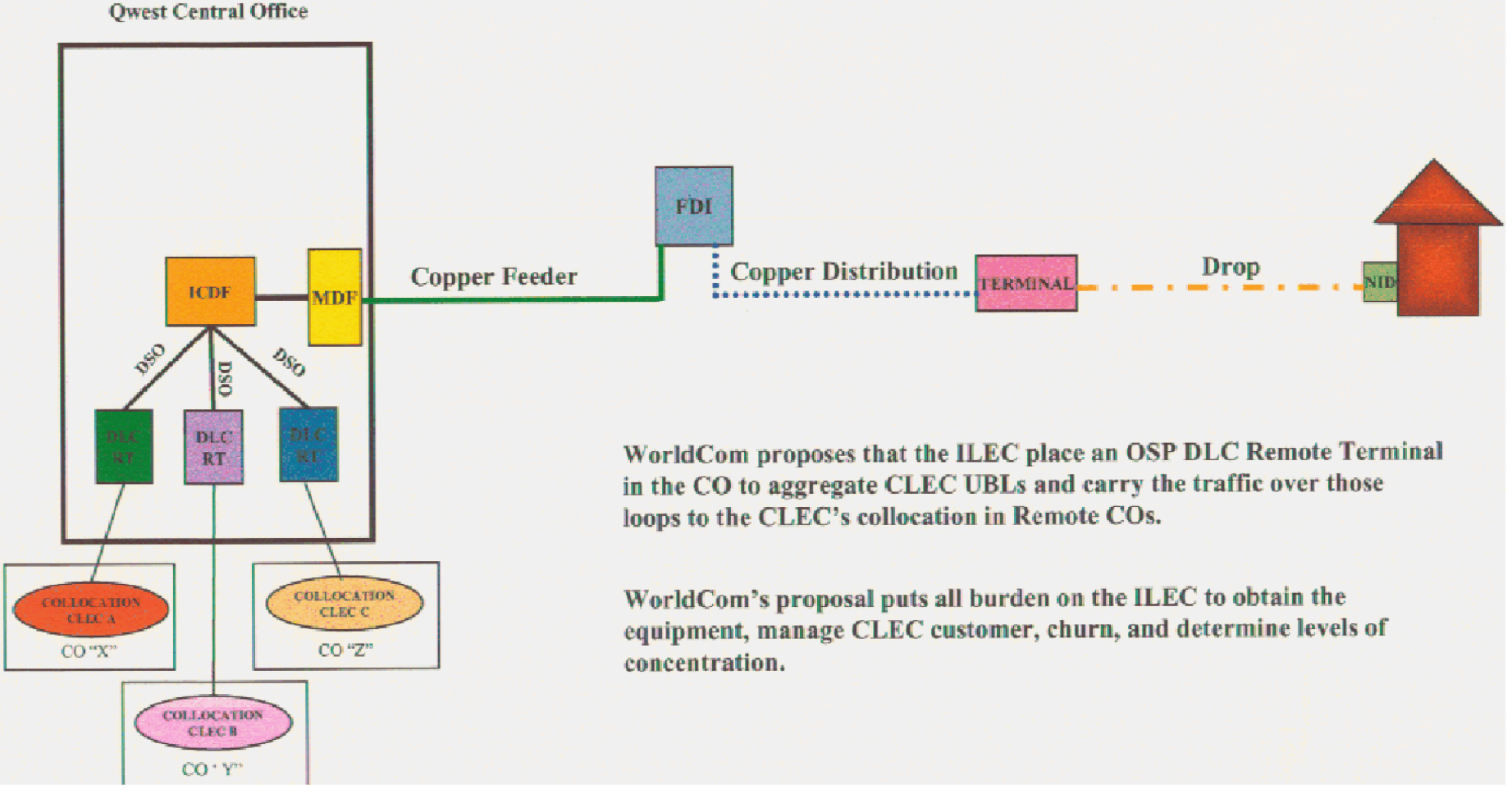
DARK FIBER ACCESS AT A SPLICE POINT



IDCU HAIRPIN APPLICATION



ENHANCED EXTENDED LOOP (EEL) WITH CONCENTRATION WITHOUT DLC IN THE LOOP

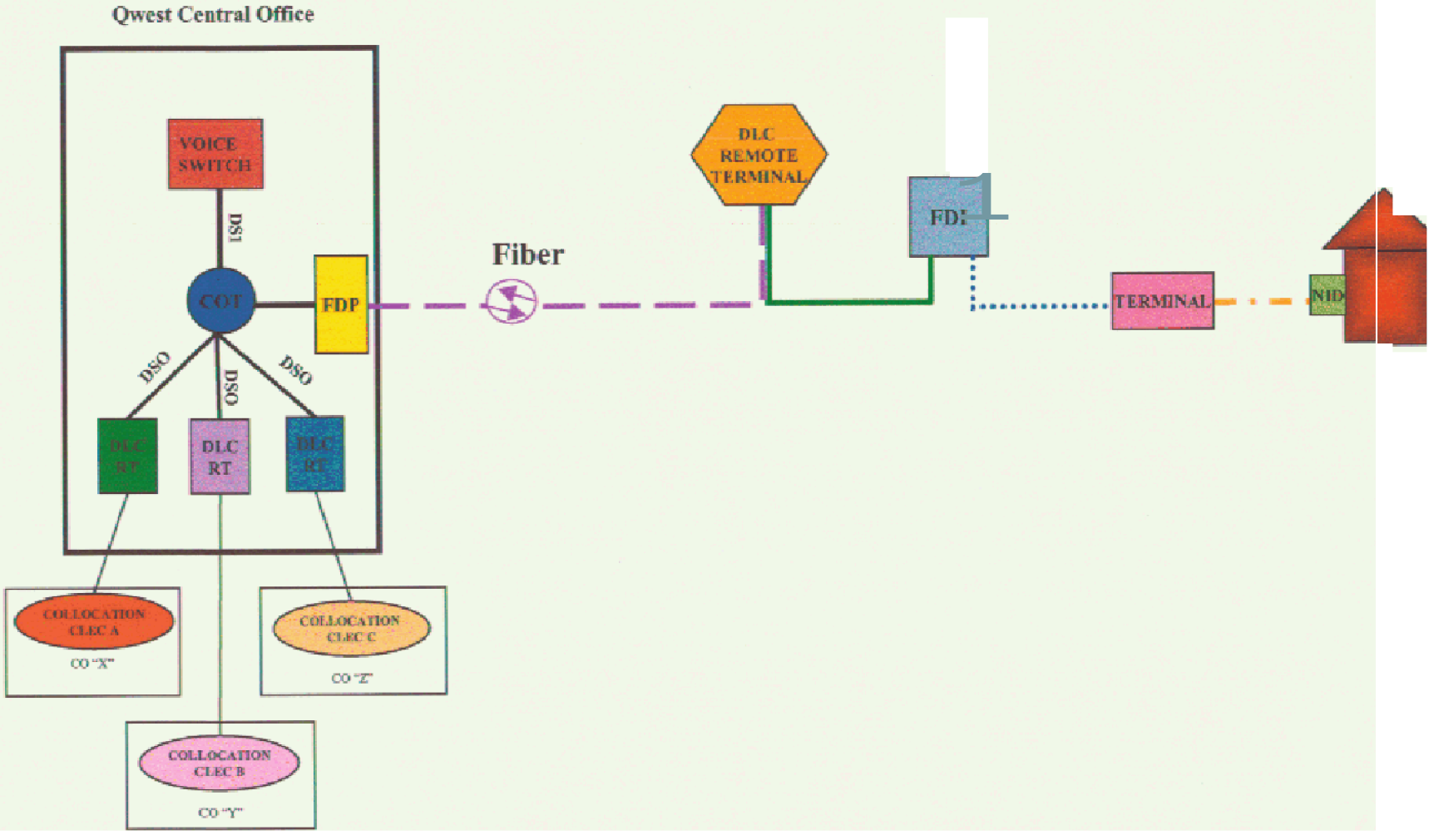


WorldCom proposes that the ILEC place an OSP DLC Remote Terminal in the CO to aggregate CLEC UBLs and carry the traffic over those loops to the CLEC's collocation in Remote COs.

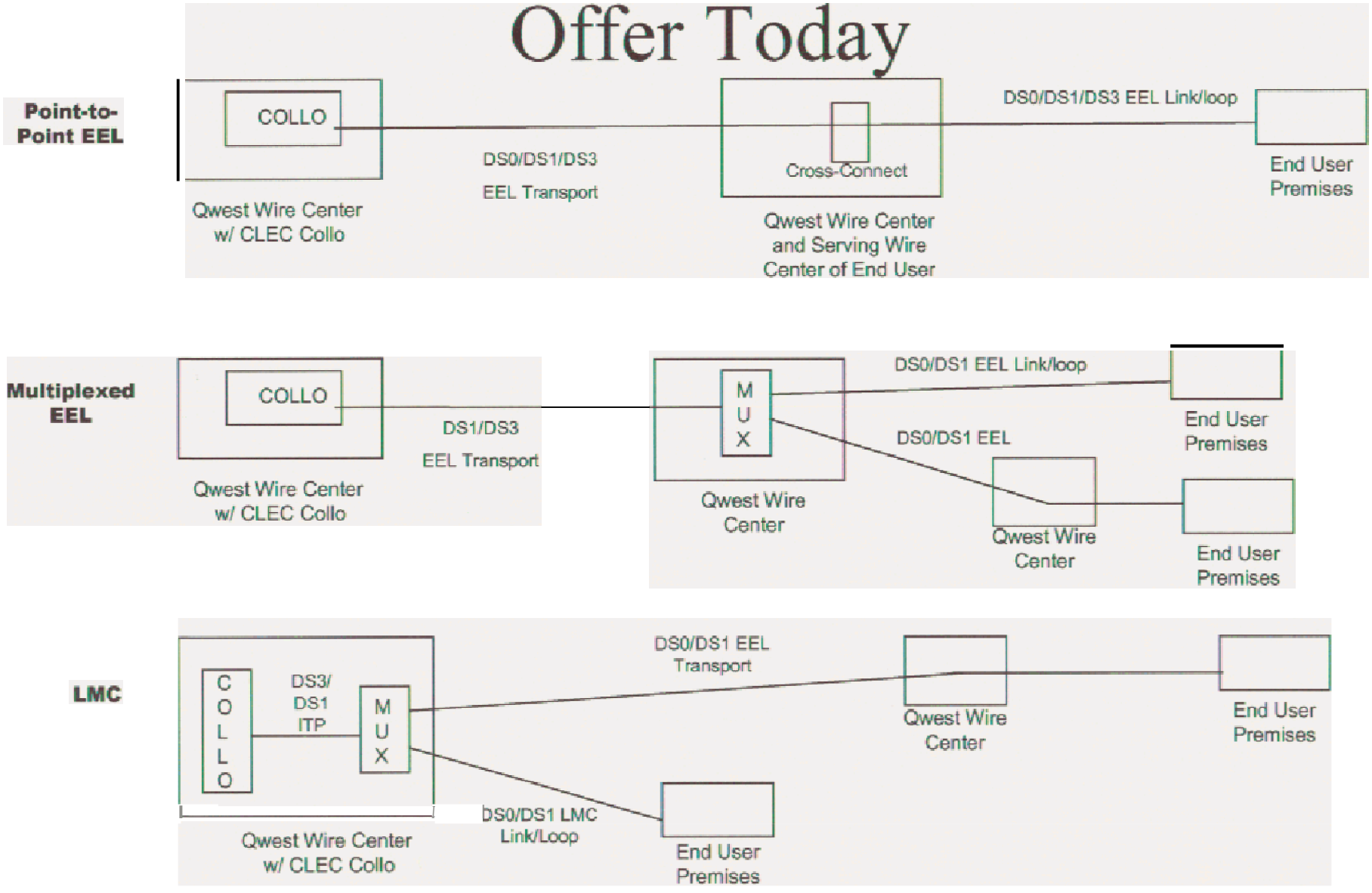
WorldCom's proposal puts all burden on the ILEC to obtain the equipment, manage CLEC customer, churn, and determine levels of concentration.

ENHANCED EXTENDED LOOP (EEL) WITH CONCENTRATION WITH DLC IN THE LOOP

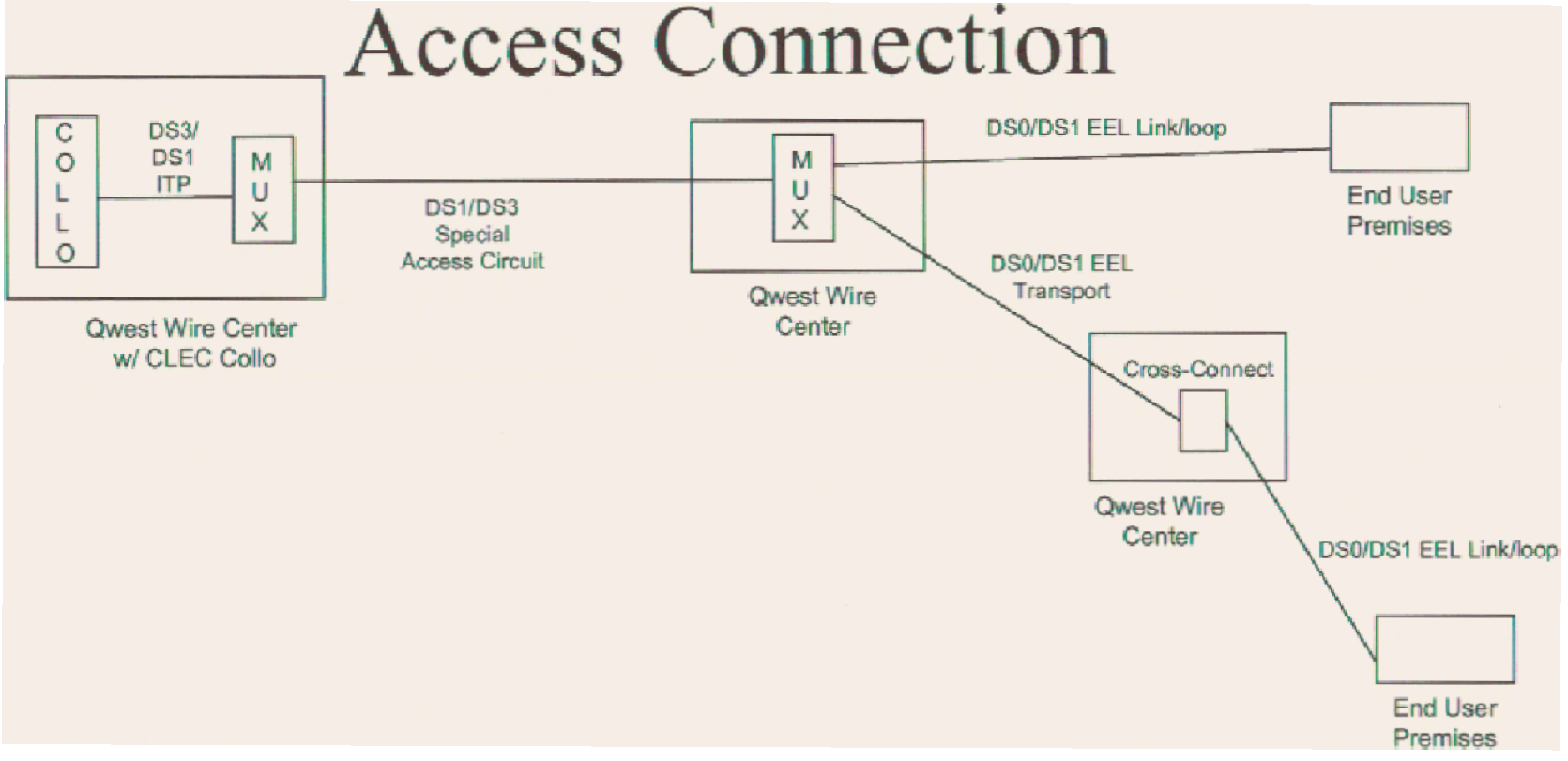
WORLDCOM PROPOSAL



EEL and **Loop-Mux** Combination Offer Today



Possible **Option:**
EEL - Loop-Mux Combination w/Special Access Connection



ACRONYMS

- ATM = ASYNCHRONOUS TRANSFER MODE
- CEC = CONTROLLED ENVIRONMENTAL CABINET
- CEV = CONTROLLED ENVIRONMENTAL VAULT
- CLEC = COMPETITIVE LOCAL EXCHANGE CARRIER
- COT = CENTRAL OFFICE TERMINAL
- DA= DISTRIBUTION AREA
- DLC = DIGITAL LOOP CARRIER
- DSLAM = DIGITAL SUBSCRIBER LINE ACCESS MULTIPLEXER
- DSX = DIGITAL SYSTEM CROSS-CONNECT
- EEL = ENHANCED EXTENDED LOOP
- FDI = FEEDER DISTRIBUTION INTERFACE
- FDP = FIBER DISTRIBUTION PANEL
- IC-FDP : INTER-CONNECTOR FDP
- ICDF = INTERCONNECTION DISTRIBUTION FRAME
- MDF = MAIN DISTRIBUTION FRAME
- NID = NETWORK INTERFACE DEVICE
- POTS = PLAIN OLD TELEPHONY SERVICE